

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
JUL - 7 2003  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy



















**VS.**

## SUPPLEMENTAL COMPLAINT–INTERPLEADER

1.01 This Court has subject matter jurisdiction of Plaintiffs' claims of copyright infringement pursuant to 28 U.S.C. §1338(a), and has pendent jurisdiction over the Plaintiff's common law claims because the federal and common law claims arise out of a common nucleus of operative facts. *United Mine Workers v. Gibbs*, 383 U.S. 715, 86 S.Ct. 1130 (1966).

1.02 This Court has venue of this cause pursuant to 28 U.S.C. §1391(b)(1).

1.03 All conditions precedent to the filing of this action have been performed or have occurred.

1.04 Defendant has answered the original complaint filed herein, giving this Court *in personum* jurisdiction.

2.01 Pursuant to certain work for hire agreements between Plaintiffs and Defendant, Goldstein/Habeeb Entertainment, Inc. is indebted to Defendant in the amount of \$10,454.54, which sum is to be paid in monthly increments of \$2,090.91 each until paid in full.

2.02 Defendant is indebted to Plaintiff Goldstein/Habeeb Entertainment, Inc. in the amount of \$34,186.53 for which Plaintiff claims offset against the moneys referred to in paragraph 3.01 above.

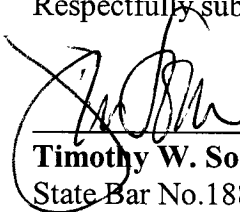
2.03 Upon information and belief, Defendant is a spendthrift, owing numerous people moneys

which he has never paid, and having no money with which to pay Plaintiff. Defendant has numerous judgments outstanding against him, and his judgment holders all have claims to the moneys now held owed by Plaintiffs. Upon information and belief, Defendant will not be able to respond in damages to any judgment obtained by Plaintiffs herein, making Plaintiffs themselves claimants against the moneys. Plaintiffs therefore have real and well founded fear of either double liability or vexatious and conflicting claims.

- 2.04 Plaintiff requests an order authorizing Plaintiff to interplead the moneys it is now paying to Defendant pursuant to the work for hire agreements, so that same may be offset against the moneys now owed to Plaintiff by Defendant.
- 2.04 Plaintiff has deposited \$4181.82 with the registry of this Court and intends to deposit \$2,090.91 per month with the registry of the Court beginning on July 15, 2003, and ending on November 15, 2003.

**WHEREFORE**, Plaintiff requests an order authorizing Plaintiff to interplead all of the moneys owed to Defendant pursuant to his work for hire agreement, said moneys to await further order of this Court.

Respectfully submitted,

  
**Timothy W. Sorenson**  
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**Attorney for Plaintiffs**

**Certificate of Service**

I certify that on this 7<sup>th</sup> day of July, 2003, a copy of the above and foregoing Supplemental Complaint was served on Andrew Bergman, counsel for Defendant, at 4514 Travis, Suite 300, Dallas, Texas 75205 by facsimile and United States First Class Mail.

  
Timothy W. Sorenson